

United States Bankruptcy Court
Northern District of Ohio

In re:
Richard M. Osborne
Debtor

Case No. 17-17361-aih
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0647-1

User: mgaug
Form ID: pdf945

Page 1 of 2
Total Noticed: 15

Date Rcvd: Aug 30, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 01, 2018.

db +Richard M. Osborne, 7265 Markell Road, Waite Hill, OH 44094-9312
aty +Frederic P. Schwieg, 2705 Gibson Drive, Rocky River, OH 44116-3008
aty +Gregory M. Dennin, Dennin & Dennin, 2745 Main Street, Lake Placid, NY 12946-3559
cr +CSX Transportation, Inc., c/o McGuireWoods LLP, 50 N. Laura Street, Suite 3300,
Jacksonville, FL 32202-3661
cr +Chicago Title Insurance Company, 2533 North 117th Avenue, Omaha, NE 68164-3679
cr Citizens Bank, N.A., c/o Michael S. Tucker, Esq., 1660 West 2nd Street, Suite 1100,
Cleveland, OH 44113-1448
cr +City of Willoughby, One Public Square, Willoughby, OH 44094-7827
cr +Estate of Jerome T. Osborne, c/o Kirk W. Roessler, Esq., 1301 East Ninth Street Suite 3500,
Cleveland, OH 44114-1838
cr +First National Bank of Pennsylvania, c/o Buckingham, Doolittle & Burroughs,
1375 East 9th Street Suite 1700, Cleveland, OH 44114-1790
intp +Lakeland Community College, c/o Alison L. Archer, Assistant Attorney General,
615 W. Superior Ave., 11th Floor, Cleveland, OH 44113-1899
cr +Michael E. Osborne, Sr., 7670 Tyler Blvd., Mentor, OH 44060-4853
cr +Ohio Department of Taxation, c/o William C. Huffman, 24441 Detroit Road, Suite 300,
Westlake, OH 44145-1543
cr +The Huntington National Bank, c/o Timothy P. Palmer, Esq., Buchanan Ingersoll & Rooney PC,
One Oxford Centre 20th floor, Pittsburgh, PA 15219-1400

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
ust +E-mail/Text: ustpreion09.cl.ecf@usdoj.gov Aug 30 2018 22:20:35 United States Trustee,
Suite 441, H.M. Metzenbaum U.S. Courthouse, 201 Superior Avenue, Cleveland, OH 44114-1234
intp +E-mail/Text: ecf@buckleyking.com Aug 30 2018 22:20:22 Zachary B Burkons,
c/o Buckley King LPA, 600 Superior Ave., Suite 1400, Cleveland, OH 44114-2693
TOTAL: 2

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Bank of America, N.A.
cr Mentor Lumber & Supply Co.
cr Tax Ease Ohio, LLC

TOTALS: 3, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 01, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 30, 2018 at the address(es) listed below:

Adam S. Baker on behalf of Creditor Michael E. Osborne, Sr. abakerlaw@sbcglobal.net,
adam@bakerlaw.us; abakerlaw@gmail.com
Alison L. Archer on behalf of Interested Party Lakeland Community College
alison.archer@ohioattorneygeneral.gov;
Trish.Lazich@ohioattorneygeneral.gov; angelique.dennis-noland@ohioattorneygeneral.gov
Andrew M. Tomko on behalf of Creditor Tax Ease Ohio, LLC atomko@sandhu-law.com,
bklnotice@sandhu-law.com
Austin B. Barnes, III on behalf of Creditor Tax Ease Ohio, LLC abarnes@sandhu-law.com,
bklnotice@sandhu-law.com
Christopher J. Klym on behalf of Creditor Ohio Department of Taxation bk@hkhkwlaw.com
David M. Neumann on behalf of Interested Party Zachary B Burkons dneumann@meyersroman.com,
jray@meyersroman.com; mnowak@meyersroman.com
David T. Brady on behalf of Creditor Tax Ease Ohio, LLC DBrady@Sandhu-Law.com,
bklnotice@sandhu-law.com
Frederic P. Schwieg on behalf of Attorney Frederic P. Schwieg fschwieg@schwieglaw.com
Frederic P. Schwieg on behalf of Debtor Richard M. Osborne fschwieg@schwieglaw.com

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Gregory P. Amend on behalf of Creditor First National Bank of Pennsylvania gamend@bdblawn.com,
grichards@bdblawn.com
Jeffrey C. Toole on behalf of Interested Party Zachary B Burkons toole@buckleyking.com,
young@buckleyking.com;heberlein@buckleyking.com
John J. Rutter on behalf of Creditor Mentor Lumber & Supply Co. jrutter@ralawn.com
Kelly Neal on behalf of Creditor The Huntington National Bank kelly.neal@bipc.com,
donna.curcio@bipc.com
Kirk W. Roessler on behalf of Creditor Estate of Jerome T. Osborne kroessler@walterhav.com,
kballa@walterhav.com;slasalvia@walterhav.com
LeAnn E. Covey on behalf of Creditor Bank of America, N.A. bknotice@clunkhoose.com
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Michael S. Tucker on behalf of Creditor Citizens Bank, N.A. mtucker@ulmer.com
Nathaniel R. Sinn on behalf of Creditor First National Bank of Pennsylvania nsinn@bdblawn.com,
kslatinsky@bdblawn.com
Rachel L. Steinlage on behalf of Interested Party Zachary B Burkons rsteinlage@meyersroman.com,
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Robert D. Barr on behalf of Creditor Chicago Title Insurance Company rbarr@koehler.lawn,
rbarr@koehler.lawn
Scott R. Belhorn ust35 on behalf of U.S. Trustee United States Trustee
Scott.R.Belhorn@usdoj.gov
Stephen John Futterer on behalf of Creditor City of Willoughby sjfutterer@sbcglobal.net,
r43087@notify.bestcase.com
Stephen R. Franks on behalf of Creditor Bank of America, N.A. amps@manleydeas.com
Timothy P. Palmer on behalf of Creditor The Huntington National Bank timothy.palmer@bipc.com,
donna.curcio@bipc.com

TOTAL: 26

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically on August 30, 2018, which may be different from its entry on the record.

IT IS SO ORDERED.

Dated: August 30, 2018




ARTHUR I. HARRIS
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE RICHARD M. OSBORNE
Debtor

CASE NO. 17-17361
CHAPTER 11
JUDGE ARTHUR I. HARRIS

**AGREED ORDER GRANTING SUPPLEMENTAL MOTION OF RICHARD M. OSBORNE, SR. DEBTOR
AND DEBTOR IN POSSESSION FOR AUTHORITY TO COMPROMISE CONTROVERSIES WITH
CHICAGO TITLE INSURANCE COMPANY AND TO ABANDON MEMBERSHIP INTERESTS IN
LEIMCO ACQUISITION COMPANY LLC.**

Before the Court is the Supplemental Motion of Richard M. Osborne, Sr. Debtor and Debtor in Possession for Authority to Compromise Controversies with Chicago Title Insurance Company and to Abandon Membership Interests in Leimco Acquisition Company LLC [Doc. 214] (“Motion”) In the Motion Richard M. Osborne, Sr. Debtor and Debtor in Possession (“Debtor”), moves the Court pursuant to 11 U.S.C. § 507 and Federal Rule of Bankruptcy Procedure 9019(a) for a supplemental order approving a settlement of a certain pre-petition claims with Chicago Title Insurance Company (“Chicago Title” and “Chicago Title Claim”) and pursuant to 11 U.S.C. § 554 for abandonment of the estate’s ownership interests in Leimco Development Company LTD and Leimco Holding Company LLC [Doc. 189]. (“Motion to

Compromise”). No objection was made to the Motion to Compromise. However in preparing the state court settlement agreements, the parties discovered that although a mortgage from Home Savings Bank had been assigned to Leimco Holding Company LLC, the judgment liens, for reasons unknown, were instead assigned to Leimco Acquisition Company LLC (“Acquisition”). Acquisition has no other assets other than the assigned judgments from Home Savings, and because of the assessments set forth in the Motion to Compromise there is no realizable value to the judgements that it holds.

A hearing on the Motion having been scheduled for August 29, 2018 at 10:00 AM, no party in interest having opposed the Motion and the parties agreeing to this order;

The abandonment of the Debtor’s interests in Leimco Acquisition Company LLC subject to the proposed settlement and the contingencies that must be satisfied as set forth in the Motion to Compromise is hereby APPROVED.

IT IS THEREFORE ORDERED that all of the Debtor’s rights, claims and interests in or to Leimco Acquisition Company LLC are hereby abandoned from the bankruptcy estate in the within case pursuant to 11 U.S.C. § 554 subject to the proposed settlement and the contingencies that must be satisfied as set forth in the Motion to Compromise.

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Submitted by:

/s/ Frederic P. Schwieg, Esq.

Frederic P. Schwieg, Esq. (0030418)

Attorney at Law

2705 Gibson Dr

Rocky River, OH 44116

(440) 499-4506

Fax: (440) 398-0490

fschwieg@schwieglaw.com

Counsel for Richard M. Osborne, Sr. Debtor and Debtor in Possession

Agreed to by:

/s/ Robert D. Barr

Robert D. Barr (#0067121)
KOEHLER FITZGERALD LLC
1111 Superior Avenue East, Suite 2500
Cleveland, Ohio 44114
Phone: (216) 744-2739
Fax: (216) 916-4369
Email: rbarr@koehler.law
Co-Counsel for Chicago Title Insurance Company

ECF SERVICE

A copy of this Supplemental Motion to Compromise was served on the following on July 13, 2018 filed by Notice of Electronic Filing or email.

The following is a list of the parties who are on the list to receive e-mail notice/service for this case:

17-17361 Notice will be electronically mailed to the U.S. Trustee, and:

Gregory P. Amend on behalf of Creditor First National Bank of Pennsylvania
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Christopher J. Klym on behalf of Creditor Ohio Department of Taxation
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Matthew H. Matheney on behalf of Creditor First National Bank of Pennsylvania
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Timothy P. Palmer on behalf of Creditor The Huntington National Bank
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Scott R. Belhorn ust35 on behalf of U.S. Trustee United States Trustee
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Counsel for Plaintiff Lake County Treasurer

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